

REMARKS/ARGUMENTS

In the February 13, 2006 Office Action, the Examiner rejected claims 1-32 pending in the application. This Response cancels claims 8 and 26-29, without prejudice or disclaimer, and amends claims 1, 18, 30, and 32 for further consideration. After entry of the foregoing amendments, claims 1-7, 9-25, and 31-32 (3 independent claims; 26 total claims) remain pending in the application. Reconsideration is respectfully requested.

The Examiner first rejected claims 1, 6, 7, 9-12, 16-21, 23-26, 30, and 31 under 35 U.S.C. §102(b) as being anticipated by Hart, U.S. Patent No. 5, 927,513 (hereinafter "Hart"). In particular, the Examiner stated that Hart teaches an apparatus for separating which comprises a frame (16), an adjustable screen (14) positioned over a top of the frame, a removable trough (120), and a motor (74). The Examiner further stated that the apparatus includes a wheel (36) and that the adjustable screen includes a lip member (60 and 62), a plurality of vertical support bars (48, 50, 55) and horizontal cross members (50, 54). The Examiner also stated that the trough includes a lip and handles (Figure 6) and that the motor is attached to at least one horizontal cross member (54) via mounting plate. Finally, the Examiner stated that the Hart apparatus further includes a vertical bar member of adjustable height (30, 32 described in column 3, lines 40+). Applicants respectfully traverse this rejection.

Hart generally discloses a portable shaker frame that is particularly adapted for separating irregularly-shaped wood shavings used in animal stalls as bedding materials from manure contained in the bedding material. Applicants' amended independent claim 1, and claims 6, 7, 9-12, and 16-17 which depend from claim 1, each require a platform connected to the back end of the frame. Hart fails to disclose such a platform. In addition, independent claim 18, and claims 19-25 and 31-32 which depend from claim 18, each require at least one horizontal cross bar member positioned proximate a bottom surface of the screen which extends across a width of the screen and a pair of mounting brackets for mounting the horizontal cross bar member where the mounting brackets comprise an opening for retaining the horizontal cross bar member and an outer layer, a middle isolation layer, and an inner layer which lies adjacent to the opening. Independent claim 18 has been amended to include all of the limitations of claim 29 and any intervening claims. Accordingly, in that the Examiner previously stated that claim 29 was

objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. Applicants believe claims 18-25 and 30-31 to now be in condition for allowance.

Claims 2-4 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hart in view of Haffner, U.S. Patent No. 3,307,698 (hereafter "Haffner"). In particular, the Examiner states that Hart teaches all of the features of the claimed invention including a vertical bar member of adjustable height attached to the bottom surface of the screen. However, although the Examiner states that Hart fails to teach a tow bar attached to the front end of the frame, the Examiner contends that Haffner teaches a separating apparatus that includes a tow bar attached to the frame. Accordingly, the Examiner contends that it would have been obvious to one of ordinary skill in the art to include the tow bar of Haffner on the frame of the separating apparatus of Hart in order to attach the separator to a vehicle in order to more easily move it to different locations.

In that Applicants' amended independent claim 1, and claims 2-4 which depend therefrom, each require a platform connected to the back end of the frame, Applicants respectfully traverse this rejection. Neither Hart nor Haffner, either alone or in combination, teaches a platform connected to the back end of a frame.

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hart in view of Haffner as applied to claim 4, and further in view of Meyer, U.S. Patent No. 1,011,899 (hereafter "Meyer"). In particular, the Examiner states that Hart teaches all of the limitations of the claimed invention except for a crank shaft attached to the vertical bar member for adjusting the height of the vertical bar member but that Haffner teaches a crank handle attached to a vertical bar member for adjusting the height of the bar. In addition, although the Examiner concedes that the bar member of Haffner is a leg member and does not attach to the bottom surface of the screen member, the Examiner contends that Meyer teaches a crank handle connected to a vertical bar member that is connected to an underside of the screen member. Accordingly, the Examiner contends that it would have been obvious to one of ordinary skill in the art to use the crank arm of Meyer on the adjustable height vertical member of Hart in order to make it easier to adjust the height of the screen member.

As previously stated above, Applicants' amended independent claim 1, and therefore claim 4 which depends from claim 1, now require a platform connected to the back end of the frame. Neither Hart, Haffner or Meyer, either alone or in combination, discloses a platform connected to the back end of a frame. Accordingly, Applicants respectfully traverse this rejection.

Claims 13, 14, 27, and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hart in view of Waites, Sr., et al., U.S. Patent No. 5,361,911 (hereafter "Waites"). In particular, the Examiner states that Hart teaches all of the limitations of the claimed invention except for the mounting brackets but that Waites teaches mounting brackets for mounting horizontal cross bar members where the brackets include an opening for retaining a horizontal cross bar member and the brackets further include an outer layer, a middle layer and an inner layer. Accordingly, the Examiner contends that it would have been obvious to one of ordinary skill in the art to use the mounting brackets of Waites on the separating screen of Hart if one desired to be able to allow the cross bar members to be easily replaced by making them detachable from the vertical support bars. Applicants respectfully traverse this rejection.

Applicants' claims 13 and 14 now require a platform connected to the back end of a frame. Neither Hart nor Waites, either alone or in combination, disclose a platform connected to the back end of a frame. Therefore, Applicants contend that claims 13 and 14 could not be obvious to one of ordinary skill in the art in light of Hart and Waites. In addition, the Applicants' claims 27 and 28 have been cancelled. Accordingly, the rejection directed to claims 27 and 28 are now deemed to be moot.

Claim 31 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hart. In that the Examiner specifically addresses a method claim, Applicants are responding to this rejection as if the Examiner rejected Applicants' claim 32 which is directed to a method claim. In particular, the Examiner states that Hart does not teach a method for separating but that Hart does teach a frame and a screen positioned over the frame where the frame and screen are movably connected at one end and the screen is adjustable in height where the height of the screen can be raised at its adjustable ends. The Examiner also states that Hart teaches that material is poured onto the screen to be separated and a motor is used to vibrate the screen to

assist in passing materials through the screen and that material that does not pass through the screen is collected in a removable trough. Finally, the Examiner states that while Hart does not specifically teach a method for separating, it would have been obvious to one of ordinary skill in the art to perform the method steps of claim 32 when using the apparatus taught by Hart in its usual and expected fashion since Hart teaches a separating apparatus that performs all of the claim method steps. Applicants respectfully traverse this rejection.

Applicants' amended claim 32 now requires the step of collecting material that does not pass through the screen in a removable trough that is supported by a platform connected to the frame. Hart fails to disclose a platform connected to the frame.

Claims 8 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hart in view of Montgomery; U.S. Patent No. 3,162,600 (hereafter "Montgomery"). In particular, the Examiner states that Hart teaches all of the limitations of the claimed invention except for a platform attached to the frame for supporting the removable trough but that Montgomery teaches a portable screening apparatus with a removable trough (40) that is supported on a platform (16). Accordingly, the Examiner contends that it would have been obvious to one of ordinary skill in the art to use the platform and removable trough of Montgomery with the portable separator taught by Hart in order to easily transport the trough to dump the oversized pieces at a different location. Applicants respectfully traverse this rejection.

Montgomery general discloses a portable aggregate screening and transporting apparatus. With respect to the portable aggregate screening and transporting apparatus disclosed in Montgomery, "the opposite end regions of cross bar 16 are turned upwardly as at 20 and serve to support thereon a pair of fixed axle spindles 22 (see Figure 1)" and "the spindles 22 have rotatably mounted thereon the wheels 24 which serve traditionally to support the rear end regions of the apparatus as a whole" (see column 2, lines 41-47). In addition, Montgomery states the following: "The receptacle 40 is mounted on the axle tray 16 for limited tilting movements about a horizontal axis, the horizontal position of the receptacle being illustrated in Figure 1 and the inclined discharge position thereof being shown in Figure 5. The tilted or inclined position of the receptacle is limited by a chain 151. Accordingly, the bottom wall 144 carries two pairs of spaced apart depending lugs 152 (see Figure 4) which receive therebetween upstanding lugs 154

on brackets 156 (see Figure 4) which are secured to the axle tray 16." (See column 4, lines 55-65). Applicants' amended independent claim 1, and claim 8 which depends therefrom, require a platform connected to the back end of the frame and a removable trough positioned on the platform where the removable trough is not connected to the frame. Neither Hart nor Montgomery, either alone or in combination, teach this limitation. Accordingly, it would not have been obvious to one of ordinary skill in the art to arrive at Applicants' claims given the Hart and Montgomery references. As previously stated, claim 22 now contains limitations which were previously indicated as allowable by the Examiner.

In view of the foregoing, Applicants respectfully submit that all of the pending claims fully comply with 35 U.S.C. §112 and are allowable over the prior art of record. Reconsideration of the application and allowance of all pending claims is earnestly solicited. Should the Examiner wish to discuss any of the above in greater detail or deem that further amendments should be made to improve the form of the claims, then the Examiner is invited to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,

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